

### **REMARKS/ARGUMENTS**

Claims 1-15 are pending in the present application, with claim 1 being independent. Claim 16 has been added. Applicant has herein amended claim 1. Support for these amendments may be found in at least paragraphs [0038]-[0045] of the present application as published in U.S. Patent Publication No. 2007/0161435. No new matter is added.

#### **Objections to the Specification**

The Examiner has objected to the Abstract, stating that the Abstract should be one paragraph with no more than 150 words and no drawings. Applicant has amended the specification in response to the Examiner's objections. Applicant respectfully requests reconsideration and withdrawal of these objections.

#### **Claim Objections**

The Examiner has objected to claim 10 for informalities. Applicant has amended claim 10 in response to the Examiner's objections. Applicant respectfully requests reconsideration and withdrawal of these objections.

#### **Claim Rejections under 35 U.S.C § 102**

The Examiner has rejected claims 1, 4, 10, 12-13 and 15 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 5,386,989 to Broadway ("Broadway"). The Examiner states that Broadway discloses a sport practice device, two elastic cords 12 and 13, a ball 18, two means to connect the ball to the cords (swivel 15 and O-ring 14), that the two cords 12 and 13 are fastened together by the two receiving means 15 and 14, the formation of a "Y" shape, and that the two cords 12 and 13 are secured to two vertical supporters 19 and 20.

Applicant respectfully submits that Broadway does not disclose "a ball with at least two means for receiving the at least two elastic cords" as recited in claim 1. The Examiner argues that O-ring 14 and swivel 15 of Broadway are equivalent to two means to connect the ball to the

cords. However, the language of the claim requires that *the ball has* at least two means for receiving the two elastic cords. Applicant respectfully submits that the ball 18 of Broadway does not have at least two means receiving the two elastic cords 12 and 13 of Broadway. Rather, the ball 18 of Broadway only has one attachment 17 which is designed to connect to a third cord 16. Although swivel 15 and o-ring 14 appear to connect cords 12 and 13, Broadway does not teach *a ball with two means* to for receiving the at least two elastic cords.

Applicant has amended independent claim 1 to recite “the ball being located substantially center along the length of each of the at least two elastic cords.” The Examiner argues that Broadway discloses that the ball 18 is located equally between the cords 12 and 13. Applicant respectfully submits that Broadway does not disclose “the ball being located substantially center along the length of *each* of the at least two elastic cords” as recited in amended claim 1. Although Broadway teaches that the ball 18 is hung from a third cord 16 which is located at between ends of cords 12 and 13, Broadway does not teach a ball located substantially center along the length of *each* of the two elastic cords.

Applicant has amended claim 1 to recite that “each of the at least two elastic cords is brought into touching engagement with itself and secured by one of said at least two securing means at the point of touching engagement such that said each of the at least two elastic cords forms a "Y" shape.” The Examiner argues that Broadway discloses that the two cords 12 and 13 are fastened together by the two receiving means swivel 15 and o-ring 14, forming a Y shape. Applicant respectfully submits that Broadway does not disclose that *each* of the at least two elastic cords is brought into touching engagement with *itself* as recited in amended claim 1. Rather, Broadway discloses two separate cords 12 and 13 which touch *each other*. No point of either cord 12 or 13 is brought into touching engagement with *itself*. Applicant further submits that Broadway does not disclose that *each* of the at least two elastic cords is secured by one of said at least two securing means at the point of touching engagement such that said each of the at least two elastic cords forms a "Y" shape.” Rather, Broadway discloses two separate cords 12 and 13 which are secured to *each other* where they touch, not two cords which *each* are brought into touching engagement with *itself* and secured at the point of touching engagement. Although

the two separate cords 12 and 13 of Broadway form a Y shape along with a separate cord 16, Broadway does not teach that *each* of the two elastic cords *itself* forms a Y shape.

Applicant respectfully submits that Broadway does not disclose that “each end of the at least two elastic cords is adapted to be secured to vertically spaced anchoring means secured to two vertical supports” as recited in claim 1. The Examiner argues that Broadway discloses that cords 12 and 13 are secured to posts 19 and 20. Applicant respectfully submits that only one end of elastic cord 12 and one end of elastic cord 13 is secured to a vertical support. Broadway does not disclose that *each end of the at least two elastic cords* is adapted to be secured to vertically spaced anchoring means secured to two vertical supports.

For at least the reasons above, Applicant submits that independent claim 1 is patentable over Broadway.

Claims 4, 10, 12-13 and 15 depend from claim 1. Applicant respectfully submits that, for at least the reasons discussed above with respect to claim 1, claims 4, 10, 12-13 and 15 are patentable over Broadway by virtue of their dependency.

### **Claim Rejections under 35 U.S.C. § 103**

The Examiner has rejected claims 2-3 under 35 U.S.C. §103 as being obvious over Broadway in view of U.S. Patent No. 4,966,367 to Oyarzabal (“Oyarzabal”). The Examiner has also rejected claims 5-9 and 14 under 35 U.S.C. §103 as being obvious over Broadway. The Examiner has also rejected claim 11 under 35 U.S.C. § 102 as being anticipated by, or in the alternative, under 35 U.S.C. § 103 as being obvious over Broadway.

Claims 2-3, 5-9 and 11 depend from independent claim 1. Applicant respectfully submits that, for at least the reasons discussed above with respect to claim 1, claims 2-3, 5-9 and 11 are patentable over Broadway by virtue of their dependency.

Appl. No. 10/576,131  
Response dated 9/8/2009  
Reply to Office Action of 05/05/2009

**Conclusion**

Applicants assert that the claims as presented herein are patentable over the cited prior art for at least the reasons stated herein and are therefore in condition for allowance. Applicants respectfully request a timely Notice of Allowance for the claims in this case.

Respectfully submitted,

DALINA LAW GROUP, P.C.

/EW64327/

Ellen Wei  
P. (626) 405-1413  
F. (858) 777-5425